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13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,	18	No. 07-3359 WHA
	19 Plaintiff,	JOINT CASE
		MANAGEMENT STATEMENT
20 v.		Date: March 13, 2008
21 \$70,000 IN UNITED STATES		Time: 11:00 a.m.
CURRENCY,		Place: Courtroom 9, 19 <sup>th</sup> Floor
	Defendant.	Federal Building
		450 Golden Gate Avenue
		San Francisco, CA

22 Pursuant to the stipulation and order entered January 23, 2008, the parties submit this  
 23 case management statement:

24       **1. The basis for this Court's subject-matter jurisdiction and whether any issue**  
           **exists regarding personal jurisdiction or venue.**

25       This is a civil forfeiture action. The Court has subject matter jurisdiction under 28 U.S.C.  
 26 §§ 1345 and 1355(a), and 21 U.S.C. § 881(a)(6).

27       **2. A brief description of the case and defenses and description of any related**  
           **proceeding, including any administrative proceedings.**

28       This is a forfeiture action against defendant \$70,000 in United States Currency seized  
           along with almost one pound of marijuana and a number of firearms during the execution of a

1 search warrant on or about February 10, 2007. 21 U.S.C. § 881(a)(6). In August of 2007,  
 2 claimant Jimmy Labranch filed a claim and then an answer. Claimant Labranch asserted that  
 3 defendant \$70,000 is not (1) money furnished or intended to be furnished by in exchange for an  
 4 illegal controlled substance; (2) proceeds traceable to such an exchange; or (3) money used or  
 5 intended to be used to facilitate any violation of the Controlled Substances Act.

6       In October of 2007, the United States informed claimant there is an ongoing criminal  
 7 investigation involving him. Counsel for claimant and the United States stipulated to stay this  
 8 case pursuant to 18 U.S.C. § 981(g). In November of 2007, the United States filed two  
 9 declarations from Special Agent Carlos Alfaro explaining the basis for the stay, one was a public  
 10 declaration and the second was a more detailed declaration filed under the seal of the Court.  
 11 The Court stayed the case by order entered November 7, 2007. The investigation involving  
 12 claimant continues to be ongoing. Thus, the stay remains appropriate.

13  
 14 IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO  
 United States Attorney

16 Dated: March 11, 2008

/s/  
 PATRICIA J. KENNEY  
 Assistant United States Attorney  
 Attorney for the United States

19 Dated: March 11, 2008

/s/<sup>1</sup>  
 PETER A. LEEMING  
 Attorney for Claimant  
 Jimmy Dale Labranch

22 PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED ON THIS \_\_\_\_\_  
 23 OF MARCH, 2008.

24 HONORABLE WILLIAM H. ALSUP  
 United States District Judge

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27       <sup>1</sup> The JCMS was read to Mr. Leeming over the phone and Mr. Leeming authorized  
 28 placing the “/s/” in lieu of his signature.